

TITLE 8. PUBLIC EMPLOYMENT RELATIONS BOARD

NOTICE OF PROPOSED RULEMAKING

The Public Employment Relations Board (PERB or Board) proposes to adopt and amend the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to adopt proposed new sections 32036, 32038, 32039, 32610, 32610.5, 32611, 32611.5, 33013 and 33020, and amend sections 31001, 32020, 32030, 32050, 32055, 32060, 32075, 32080, 32090, 32091, 32100, 32105, 32120, 32130, 32132, 32135, 32136, 32140, 32142, 32145, 32147, 32149, 32150, 32155, 32162, 32164, 32168, 32169, 32170, 32176, 32178, 32180, 32185, 32190, 32200, 32205, 32206, 32207, 32209, 32210, 32212, 32215, 32220, 32230, 32295, 32300, 32305, 32310, 32315, 32320, 32325, 32350, 32400, 32410, 32450, 32455, 32460, 32465, 32470, 32602, 32605, 32612, 32615, 32620, 32621, 32625, 32630, 32635, 32640, 32644, 32645, 32647, 32648, 32649, 32650, 32661, 32680, 32690, 32980, and 32998.

Section 31001 provides for meetings of the Public Employment Relations Board. Section 32020 provides a definition for the term “Board.” Section 32030 provides a definition for the term “Board itself.” Proposed section 32036 adopts a definition of “PECC,” the Public Employees Communication Chapter (Government Code section 3555 et seq.). Proposed section 32038 adopts a definition of “PEDD,” the Chapter titled Prohibition on Public Employers Deterring or Discouraging Union Membership (Government Code section 3550 et seq.). Proposed section 32039 adopts definitions of terms under the “PEDD,” the Chapter titled Prohibition on Public Employers Deterring or Discouraging Union Membership (Government Code section 3550 et seq.). Section 32050 provides a definition for the term “General Counsel.” Section 32055 provides a definition for the term “Chief Administrative Law Judge.” Section 32060 provides a definition for the term “headquarters office.” Section 32075 provides a definition for the term “regional office.” Section 32080 provides a definition for the term “day.” Section 32090 provides for filing by facsimile machine. Section 32091 provides for filing by electronic mail (e-mail) message. Section 32100 provides for when regulations contained in Chapter 1 apply to PERB proceedings. Section 32105 provides for the severability of PERB’s regulations. Section 32120 provides for the filing of collective bargaining agreements. Section 32130 addresses the computation of time for filing. Section 32132 concerns the requirements for an extension of time in which to file documents with the Board. Section 32135 concerns filing requirements. Section 32136 concerns late filing requirements. Section 32140 concerns service requirements. Section 32142 concerns designation of recipients for service and filing. Section 32145 concerns waiver of time period requirements for filing. Section 32147 provides for expediting matters before the Board. Section 32149 concerns issuance of investigative subpoenas. Section 32150 concerns issuance of subpoenas. Section 32155 concerns circumstances under which a Board agent or Board member will be disqualified to hear a case. Section 32162 concerns the confidentiality of Board investigations. Section 32164 concerns an application for joinder. Section 32168

concerns the conduct of hearings. Section 32169 concerns the taking of depositions. Section 32170 concerns the powers and authority of a Board agent conducting a hearing. Section 32176 concerns the rules of evidence in unfair practice cases. Section 32178 concerns the burden of proof in unfair practice cases. Section 32180 addresses the rights of parties in PERB hearings. Section 32185 concerns ex parte communications with Board agents. Section 32190 concerns filing and rulings on motions. Section 32200 concerns the appeal of rulings on motions and other interlocutory matters. Section 32205 concerns requests for continuances. Section 32206 concerns the production of statements of witnesses after testimony. Section 32207 concerns the stipulation of facts for purposes of hearings. Section 32209 addresses the procedure for correction of hearing transcripts. Section 32210 concerns the filing of informational briefs. Section 32212 concerns briefs and oral argument. Section 32215 concerns issuance of proposed decisions. Section 32220 concerns contemptuous conduct by a party or a party's agent. Section 32230 concerns the refusal of a witness to testify. Section 32295 concerns ex parte communications with members of the Board itself, or legal advisers to Board members. Section 32300 concerns the filing of exceptions to Board agent decisions. Section 32305 provides that proposed decisions become final if no timely exceptions are filed. Section 32310 provides for the filing of responses to exceptions. Section 32315 provides for oral argument on exceptions. Section 32320 concerns issuance of decisions by the Board itself. Section 32325 concerns the remedial powers of the Board. Section 32350 provides a definition of administrative decisions. Section 32400 provides that a motion for reconsideration is not required in order to exhaust administrative remedies. Section 32410 provides for the filing of requests for reconsideration. Section 32450 concerns the filing of requests for injunctive relief. Section 32455 concerns the investigation of requests for injunctive relief. Section 32460 provides for recommendations by the General Counsel concerning requests for injunctive relief. Section 32465 provides for decisions by the Board itself concerning requests for injunctive relief. Section 32470 addresses the authority of the General Counsel concerning requests for injunctive relief where a quorum of the Board itself is unavailable. Section 32602 provides for the processing of unfair practice charges. Section 32605 concerns the number of copies of unfair practice charges required for filing. Proposed section 32610 defines employer unfair practices under the Public Employees Communication Chapter (PECC). Proposed section 32610.5 defines employee organization unfair practices under the Public Employees Communication Chapter (PECC). Proposed section 32611 defines employer unfair practices under the Prohibition on Public Employers Deterring or Discouraging Union Membership (PEDD). Proposed section 32611.5 defines employee organization unfair practices under the Prohibition on Public Employers Deterring or Discouraging Union Membership (PEDD). Section 32612 specifies in which "regional office" unfair practice charge filings should be made. Section 32615 concerns the information required to be included in an unfair practice charge. Section 32620 concerns the processing of unfair practice charges, including the Board's policy on deferral to arbitration. Section 32621 concerns the amending of unfair practice charges. Section 32625 concerns the withdrawal of unfair practice charges. Section 32630 concerns the dismissal of unfair practice charges. Section 32635 provides for the appeal of dismissals of unfair practice charges. Section 32640 concerns the issuance of complaints in unfair practice charge cases. Section 32644 provides for the filing of an answer in unfair practice charges where a complaint issues. Section 32645 concerns non-prejudicial errors in unfair practice charges and related documents. Section 32647 concerns amendments to complaints in unfair practice charge cases before hearing.

Section 32648 concerns amendments to complaints in unfair practice charge cases during a hearing. Section 32649 concerns the filing of answers to amendments to complaints in unfair practice charge cases. Section 32650 concerns the conduct of informal settlement conferences in unfair practice charge cases. Section 32661 concerns the filing of repugnancy claims regarding unfair practice charge cases deferred to arbitration. Section 32680 concerns the conduct of hearings on unfair practice charges. Section 32690 concerns notice of hearing in unfair practice charge cases. Section 32980 provides for the enforcement of compliance with final decisions of the Board. Section 32998 concerns the reimbursement for services rendered by the State Mediation and Conciliation Service. Proposed section 33013 adopts a definition of an “Arbitration Decision” as decision issued by a Board agent following interest arbitration pursuant to the Public Employees Communication Chapter (PECC). Proposed section 33020 provides the rate for reimbursement for arbitration services provided by a Board agent pursuant to the Public Employees Communication Chapter (PECC).

PUBLIC HEARING

The Board will hold a public hearing concerning the proposed regulatory amendments in order to implement the Public Employee Communication Chapter (PECC), the Prohibition on Public Employers Deterring or Discouraging Union Membership chapter (PEDD), and modifications to the process by which Board decisions may be designated or re-designated as precedential or non-precedential. The public hearing will be held at **10:00 a.m., on July 30, 2019, in Room 103 of its headquarters building, located at 1031 18th Street, Sacramento, California 95811**. Room 103 is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing. Any person wishing to testify at the hearing is requested to notify the Office of the General Counsel as early as possible by calling (916) 322-3198 to aid scheduling and to permit arrangements for an interpreter to be made if necessary.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile (FAX) at (916) 327-6377 or by e-mail at sfarro@perb.ca.gov. Written comments will also be accepted at the public hearing held on July 30, 2019. The written comment period closes at **5:00 p.m. on July 30, 2019**. The Board will only consider comments received at the Board offices by that time. Submit written comments to:

Sheena J. Farro, Regional Attorney
Public Employment Relations Board
1031 18th Street
Sacramento, CA 95811

AUTHORITY AND REFERENCE

Pursuant to Government Code section 3541.3(g), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Educational Employment Relations Act (EERA). Pursuant to Government Code sections 3509(a) and 3541.3(g), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Meyers-Milias-Brown Act (MMBA). Government Code section 3513(h) authorizes the Board to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Ralph C. Dills Act (Dills Act). Government Code section 3563(f) authorizes the Board to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Higher Education Employer-Employee Relations Act (HEERA). Pursuant to Public Utilities Code section 99561(f), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act (TEERA). Pursuant to Government Code sections 3541.3(g) and 71639.1(b), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Trial Court Employment Protection and Governance Act (Trial Court Act). Pursuant to Government Code sections 3541.3(g) and 71825(b), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act). Pursuant to Government Code sections 3541.3(g) and 3524.52(a), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Judicial Council Employer-Employee Relations Act (JCEERA). Pursuant to Government Code sections 3541.3(g) and 3555(c), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Public Employee Communication Chapter (PECC). Pursuant to the Government Code sections 3541.3(g) and 3551(a), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Prohibition on Public Employers Deterring or Discouraging Union Membership chapter (PEDD).

General reference for **section 31001** of the Board's regulations: Sections 3509, 3513(h), 3541.3, 3551(a), 3555.5(c), 3563, 71639.1, and 71825, Government Code; and Section 99561, Public Utilities Code. General reference for **section 32020** of the Board's regulations: Sections 3501(f), 3509, 3513(h), 3540.1(a), 3541, 3551(a), 3555.5(c), 3562(b), 71639.1(a) and 71825(a), Government Code; and Section 99560.1(b), Public Utilities Code. General reference for **section 32030** of the Board's regulations: Sections 3501(f), 3509, 3513(h), 3540.1(a), 3541, 3551(a), 3555.5(c), 3562(b), 71639.1(a) and 71825(a), Government Code; and Section 99560.1(b), Public Utilities Code. General reference for **proposed section 32036**: Section 3555.5(c), Government Code. General reference for **proposed section 32038**: Section 3551(a), Government Code. General reference for **proposed section 32039**: Sections 3551(a), 3552 and 3553, Government Code. General reference for **section 32050** of the Board's regulations: Section 3541(f), Government Code. General reference for **section 32055** of the Board's regulations: Sections 3509, 3513(h), 3541.3(k), 3551(a), 3555.5(c), 3563(j), 71639.1

and 71825, Government Code; and Section 99561(j), Public Utilities Code. General reference for **section 32060** of the Board's regulations: Sections 3509, 3513(h), 3541.3(n), 3551(a), 3555.5(c), 3563(m), 71639.1 and 71825, Government Code; and Section 99561(m), Public Utilities Code. General reference for **section 32075** of the Board's regulations: Sections 3509, 3513(h), 3541.3(n), 3551(a), 3555.5(c), 3563(m), 71639.1 and 71825, Government Code; and Section 99561(m), Public Utilities Code. General reference for **section 32080** of the Board's regulations: Sections 3509, 3513(h), 3541.3(n), 3551(a), 3555.5(c), 3563(m), 71639.1 and 71825, Government Code; and Section 99561(f), Public Utilities Code. General reference for **section 32090** of the Board's regulations: Sections 3509, 3513, 3514.5, 3541.3, 3541.5, 3551(a), 3555.5(c), 3563, 3563.2, 71639.1 and 71825, Government Code; and Sections 99561 and 99561.2, Public Utilities Code. General reference for **section 32091** of the Board's regulations: Sections 3509, 3513, 3514.5, 3541.3, 3541.5, 3551(a), 3555.5(c), 3563, 3563.2, 71639.1 and 71825, Government Code; and Sections 99561 and 99561.2, Public Utilities Code. General reference for **section 32100** of the Board's regulations: Section 19604, Business and Professions Code; Section 57031, Food and Agricultural Code; Sections 3502.5, 3507, 3507.1, 3507.3, 3507.5, 3508, 3509, 3513(h), 3541.3, 3551(a), 3555.5(c), 3557, 3563, 3600, 3601, 3602, 3603, 3611, 71632.5, 71636, 71636.1, 71636.3, 71637, 71637.1, 71639.1, 71823 and 71825, Government Code; Section 2686, Labor Code; and Sections 25051, 25052, 28850, 28851, 30750, 30751, 30754, 30756, 40120, 40122, 50120, 50121, 70120, 70122, 90300, 95650, 95651, 98162.5, 99561, 100301, 100305, 100306, 101341, 101342, 101344, 102401, 102403, 103401, 103404, 103405, 103406, 125521, 125526, Appendix 1, Sections 4.2 and 4.4, and Appendix 2, Sections 13.90, 13.91, and 13.96, Public Utilities Code. General reference for **section 32105** of the Board's regulations: Sections 3509, 3513(h), 3541.3, 3551(a), 3555.5(c), 3563, 71639.1 and 71825, Government Code; and Section 99561, Public Utilities Code. General reference for **section 32120** of the Board's regulations: Sections 3509, 3513(h), 3524, 3541.3(f), 3541.3(g), 3541.3(n), 3551(a), 3555.5(c), 3563(m), 71639.1 and 71825, Government Code; and Section 99561(m), Public Utilities Code. General reference for **section 32130** of the Board's regulations: Sections 3509, 3513(h), 3541.3, 3544.7(b), 3551(a), 3555.5(c), 3563, 3577(b), 71639.1 and 71825, Government Code; and Sections 99561 and 99564.4(b), Public Utilities Code. General reference for **section 32132** of the Board's regulations: Sections 3509, 3509.3, 3513(h), 3520.8, 3541.3(n), 3541.35, 3551(a), 3555.5(c), 3563(m), 3563.5, 71639.1, 71639.15, 71825 and 71825.05, Government Code; and Sections 99561(m) and 99561.4, Public Utilities Code. General reference for **section 32135** of the Board's regulations: Sections 3509, 3513(h), 3541.3(n), 3551(a), 3555.5(c), 3563(m), 71639.1 and 71825, Government Code; and Section 99561(m), Public Utilities Code. General reference for **section 32136** of the Board's regulations: Sections 3509, 3513(h), 3541.3(n), 3551(a), 3555.5(c), 3563(m), 71639.1 and 71825, Government Code; and Sections 12, 12(a) and 1013, Code of Civil Procedure; and Section 99561(m), Public Utilities Code. General reference for **section 32140** of the Board's regulations: Sections 3509, 3513(h), 3541.3(n), 3551(a), 3555.5(c), 3563(m), 71639.1 and 71825, Government Code; and Section 99561(m), Public Utilities Code. General reference for **section 32142** of the Board's regulations: Sections 3501(c), 3513(j), 3541.3(n), 3551(a), 3555.5(c), 3563(m), 71601(k), 71639.1, 71801(h), 71807 and 71825, Government Code; and Sections 99560.1(g) and 99560.1(h), Public Utilities Code. General reference for **section 32145** of the Board's regulations: Sections 3509, 3513(h), 3541.3(n), 3551(a), 3555.5(c), 3563(m), 71639.1 and 71825, Government Code; and Section 99561(m), Public Utilities Code. General reference for **section 32147** of the Board's regulations:

Sections 3509, 3513(h), 3541.3(n), 3551(a), 3555.5(c), 3563(m), 71639.1 and 71825, Government Code; and Section 99561(m), Public Utilities Code. General reference for **section 32149** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32150** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 3601, 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32155** of the Board's regulations: Sections 3509, 3509.5, 3513, 3520, 3541.3, 3542, 3551(a), 3555.5(c), 3557, 3563, 3564, 71639.1, 71639.4, 71825 and 71825.1, Government Code; and Sections 4.4, 13.91, 25052, 28851, 30751, 40122, 50121, 70122, 90300, 95651, 98162.5, 99561, 99562, 100301, 101344, 102403, 103401, 120505, and 125521, Public Utilities Code. General reference for **section 32162** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32164** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32168** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3541.3 (k), 3551(a), 3555.5(c), 3563(g), 3563(j), 71639.1 and 71825, Government Code; and Sections 99561(g) and 99561(j), Public Utilities Code. General reference for **section 32169** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32170** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3541.3(k), 3551(a), 3555.5(c), 3563(g), 3563(j), 71639.1 and 71825, Government Code; and Sections 99561(g) and 99561(j), Public Utilities Code. General reference for **section 32176** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3541.3(i), 3551(a), 3555.5(c), 3563(g), 3563(h), 71639.1 and 71825, Government Code; and Section 99561(g) and 99561(h), Public Utilities Code. General reference for **section 32178** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3541.3(i), 3551(a), 3555.5(c), 3563(g), 3563(h), 71639.1 and 71825, Government Code; and Sections 99561(g) and 99561(h), Public Utilities Code. General reference for **section 32180** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32185** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3541.3(i), and 3541.3(n), 3551(a), 3555.5(c), 3563(g), 3563(h) and 3563(m), 71639.1 and 71825, Government Code; and Section 99561(g), 99561(h) and 99561(m), Public Utilities Code. General reference for **section 32190** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32200** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32205** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32206** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32207** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for

section 32209 of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32210** of the Board's regulations: Sections 3509, 3513(h), 3541.3(a), 3541.3(b), 3541.3(e), 3541.3(g), 3541.3(h), 3541.3(i), 3541.3(l), 3541.3(m), 3541.3(n), 3551(a), 3555.5(c), 3563(a), 3563(b), 3563(e), 3563(f), 3563(g), 3563(h), 3563(k), 3563(l), 3563(m), 71639.1 and 71825, Government Code; and Section 99561, Public Utilities Code. General reference for **section 32212** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32215** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32220** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32230** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32295** of the Board's regulations: Sections 3509, 3513, 3514.5, 3541.3, 3541.5, 3551(a), 3555.5(c), 3563, 3563.2, 71639.1 and 71825, Government Code; and Sections 99561 and 99561.2, Public Utilities Code. General reference for **section 32300** of the Board's regulations: Sections 3509, 3513(h), 3541.3(k), 3541.3(n), 3551(a), 3555.5(c), 3563(j), 3563(m), 71639.1 and 71825, Government Code; and Sections 4.4, 13.91, 25052, 28851, 30751, 40122, 50121, 70122, 90300, 95651, 98162.5, 99561(j), 99561(m), 100301, 101344, 102403, 103401, 120505 and 125521, Public Utilities Code. General reference for **section 32305** of the Board's regulations: Sections 3509, 3509.3, 3513(h), 3520.8, 3541.3(k), 3541.3(n), 3541.35, 3551(a), 3555.5(c), 3563(j), (m), 3563.5, 71639.1, 71639.15, 71825, and 71825.05, Government Code; and Sections 99561(j), 99561(m), and 99561.4, Public Utilities Code. General reference for **section 32310** of the Board's regulations: Sections 3509, 3513(h), 3541.3(k), 3541.3(n), 3551(a), 3555.5(c), 3563(j), 3563(m), 71639.1, and 71825, Government Code; and Sections 4.4, 13.91, 25052, 28851, 30751, 40122, 50121, 70122, 90300, 95651, 98162.5, 99561(j), 99561(m), 100301, 101344, 102403, 103401, 120505, and 125521, Public Utilities Code. General reference for **section 32315** of the Board's regulations: Sections 3509, 3513(h), 3541.3(k), 3541.3(n), 3551(a), 3555.5(c), 3563(j), 3563(m), 71639.1, and 71825, Government Code; and Sections 4.4, 13.91, 25052, 28851, 30751, 40122, 50121, 70122, 90300, 95651, 98162.5, 99561(j), 99561(m), 100301, 101344, 102403, 103401, 120505 and 125521, Public Utilities Code. General reference for **section 32320** of the Board's regulations: Sections 3509, 3513(h), 3514.5, 3541.3(k), 3541.3(n), 3551(a), 3555.5(c), 3563(j), 3563(m), 3563.2, 11425.60, 71639.1 and 71825, Government Code; and Sections 99561(j), 99561(m) and 99561.2, Public Utilities Code. General reference for **section 32325** of the Board's regulations: Sections 3509, 3509.5, 3514.5(c), 3520, 3541.5(c), 3542, 3551(a), 3555.5(c), 3563.3, 3564, 71639.1, 71639.4, 71825 and 71825.1, Government Code; Section 99561(f), Public Utilities Code; and *Firefighters Union, Local 1186 v. City of Vallejo* (1974) 12 Cal.3d 608. General reference for **section 32350** of the Board's regulations: Sections 3509, 3513(h), 3541.3(k), 3541.3(n), 3551(a), 3555.5(c), 3557, 3563(j), 3563(m), 71639.1 and 71825, Government Code; and Sections 4.4, 13.91, 25052, 28851, 30751, 40122, 50121, 70122, 90300, 95651, 98162.5, 99561(j), 99561(m), 100301, 101344, 102403, 103401, 120505, and 125521, Public Utilities Code. General reference for **section 32400** of the Board's regulations: Sections 3509, 3509.5, 3520, 3542, 3551(a),

3555.5(c), 3564, 71639.4 and 71825.1, Government Code; and Section 99562, Public Utilities Code. General reference for **section 32410** of the Board's regulations: Sections 3509, 3513(h), 3541.3(k), 3541.3(n), 3551(a), 3555.5(c), 3563(j), 3563(m), 71639.1 and 71825, Government Code; and Sections 4.4, 13.91, 25052, 28851, 30751, 40122, 50121, 70122, 90300, 95651, 98162.5, 99561(j), 99561(m), 100301, 101344, 102403, 103401, 120505 and 125521, Public Utilities Code. General reference for **section 32450** of the Board's regulations: Sections 3509, 3513(h), 3551(a), 3555.5(c), 3541.3(j), 3541.3(n), 3563(i), 71639.1 and 71825, Government Code; and Section 99561(i), Public Utilities Code. General reference for **section 32455** of the Board's regulations: Sections 3509, 3513(h), 3541.3(j), 3551(a), 3555.5(c), 3563(i), 71639.1 and 71825, Government Code; and Section 99561(i), Public Utilities Code. General reference for **section 32460** of the Board's regulations: Sections 3509, 3513(h), 3541.3(j), 3541.3(n), 3551(a), 3555.5(c), 3563(i), 3563(m), 71639.1 and 71825, Government Code; and Section 99561(i) and 99561(m), Public Utilities Code. General reference for **section 32465** of the Board's regulations: Sections 3509, 3513(h), 3541.3(j), 3541.3(n), 3551(a), 3555.5(c), 3563(i), 3563(m), 71639.1 and 71825, Government Code; and Sections 99561(i) and 99561(m), Public Utilities Code. General reference for **section 32470** of the Board's regulations: Sections 3509, 3513(h), 3541(f), 3541(g), 3541.3(j), 3541.3(k), 3551(a), 3555.5(c), 3563(i), 3563(j), 71639.1 and 71825, Government Code; and Sections 99561(i) and 99561(j), Public Utilities Code. General reference for **section 32602** of the Board's regulations: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71636, 71636.3, 71637.1, 71639.1, 71814, 71823 and 71825, Government Code; and Sections 99561(h), 99561.2, 99563.7, 99563.8, 99566.3 and 99569, Public Utilities Code. General reference for **section 32605** of the Board's regulations: Sections 3502.5, 3509, 3513(h), 3514.5, 3515.7, 3523, 3541.3(i), 3541.3(n), 3541.5, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563(m), 3563.2, 3584, 3587, 3595, 71632.5, 71636, 71636.3, 71637.1, 71639.1, 71814, 71823 and 71825, Government Code; and Sections 99561(h), 99561.2, 99566.3 and 99569, Public Utilities Code. General reference for **proposed section 32610** of the Board's regulations: Sections 3555.5(c), 3556, 3558, 3558.8(a), 3558.8(b) and 3558.8(h), Government Code. General reference for **proposed section 32610.5** of the Board's regulations: Sections 3555.5(c), 3556 and 3558.8(b), Government Code. General reference for **proposed section 32611** of the Board's regulations: Sections 3550 and 3553, Government Code. General reference for **proposed section 32611.5** of the Board's regulations: Section 3553, Government Code. General reference for **section 32612** of the Board's regulations: Sections 3509, 3513(h), 3514.5, 3541.3(i), 3541.5, 3551(a), 3555.5(c), 3563(h), 3563.2, 71639.1, 71807 and 71825, Government Code; and Sections 99561(h) and 99561.2, Public Utilities Code. General reference for **section 32615** of the Board's regulations: Sections 3502.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814 and 71825, Government Code; and Sections 99561(h), 99561.2, 99563.7, 99563.8, 99566.3 and 99569, Public Utilities Code. General reference for **section 32620** of the Board's regulations: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3541.3(i), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1 and 71825, Government Code; Sections 99561(h), 99561.2, 99563.7, 99563.8, 99566.3 and 99569, Public Utilities Code; *Firefighters Union, Local 1186 v. City of Vallejo* (1974) 12 Cal.3d 608, and *Coachella Valley Mosquito and Vector Control District v. Public*

Employment Relations Board (2005) 35 Cal.4th 1072. General reference for **section 32621** of the Board's regulations: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71636, 71636.3, 71637.1, 71639.1, 71814, 71823, and 71825, Government Code; and Sections 99561(h), 99561.2, 99563.7, 99563.8, 99566.3, and 99569, Public Utilities Code. General reference for **section 32625** of the Board's regulations: Sections 3502.5, 3506.5, 3509, 3513, 3514.5, 3515.7, 3519, 3519.5, 3523, 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814 and 71825, Government Code; and Sections 99561(h), 99561.2, 99563.7, 99563.8, 99566.3 and 99569, Public Utilities Code. General reference for **section 32630** of the Board's regulations: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814 and 71825, Government Code; and Sections 99561(h), 99561.2, 99563.7, 99563.8, 99566.3 and 99569, Public Utilities Code. General reference for **section 32635** of the Board's regulations: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814 and 71825, Government Code; and Sections 99561(h), 99561.2, 99563.7, 99563.8, 99566.3 and 99569, Public Utilities Code. General reference for **section 32640** of the Board's regulations: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814 and 71825, Government Code; and Sections 99561(h), 99561.2, 99563.7, 99563.8, 99566.3 and 99569, Public Utilities Code. General reference for **section 32644** of the Board's regulations: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814 and 71825, Government Code; and Sections 99561(h), 99561.2, 99563.7, 99563.8, 99566.3 and 99569, Public Utilities Code. General reference for **section 32645** of the Board's regulations: Sections 3509, 3514.5(a), 3541.5(a), 3551(a), 3555.5(c), 3563.2, 71639.1 and 71825, Government Code; and Sections 99561(h), 99561.2, 99563.7 and 99563.8, Public Utilities Code. General reference for **section 32647** of the Board's regulations: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814, and 71825, Government Code; and Sections 99561(h), 99561.2, 99563.7, 99563.8, 99566.3, and 99569, Public Utilities Code. General reference for **section 32648** of the Board's regulations: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814 and 71825, Government Code; and Sections 99561(g), 99561(h), 99561.2, 99563.7, 99563.8, 99566.3 and 99569, Public Utilities Code. General reference for **section 32649** of the Board's regulations: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814 and 71825, Government Code; and Sections 99561(h), 99561.2, 99563.7, 99563.8, 99566.3 and 99569,

Public Utilities Code. General reference for **section 32650** of the Board's regulations: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814 and 71825, Government Code; and Sections 99561(h), 99561.2, 99563.7, 99563.8, 99566.3 and 99569, Public Utilities Code. General reference for **section 32661** of the Board's regulations: Sections 3506.5, 3509, 3514.5, 3519, 3519.5, 3541.5, 3543.5, 3543.6, 3551(a), 3555.5(c), 3558.8, 3563.2, 3571, 3571.1, 3571.3, 3589, 71639.1 and 71825, Government Code; and Sections 99561(h), 99561.2, 99563.7, 99563.8 and 99567, Public Utilities Code. General reference for **section 32680** of the Board's regulations: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814 and 71825, Government Code; and Sections 99561(g), 99561(h), 99561.2, 99563.7, 99563.8, 99566.3 and 99569, Public Utilities Code. General reference for **section 32690** of the Board's regulations: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814, and 71825, Government Code; and Sections 99561(g), 99561(h), 99561.2, 99563.7, 99563.8, 99566.3 and 99569, Public Utilities Code. General reference for **section 32980** of the Board's regulations: Sections 3509, 3509.5, 3514.5(c), 3520, 3541.5(c), 3542, 3551(a), 3555.5(c), 3563.3, 3564, 71639.1, 71639.4, 71825 and 71825.1, Government Code; and Sections 99561.3 and 99562, Public Utilities Code; and *Firefighters Union, Local 1186 v. City of Vallejo* (1974) 12 Cal.3d 608. General reference for **section 32998** of the Board's regulations: Sections 3551(a), 3555.5(c), 3557, 3600, 3601, 3602, 3603 and 3611, Government Code; Sections 25051, 25052, 28850, 28852, 30750, 30751, 30756, 40120, 40122, 50120, 50121, 70120, 70121, 95650, 95651, 98162.5, 100301, 100304, 100305, 100306, 101341, 101342, 101344, 102401, 102403, 103401, 103404, 103405, 103406, 120502, 120503, 120505, 125521, 125524, 125525 and 125526; Appendix 1, Section 4.1 and Appendix 2, Section 13.90, Public Utilities Code; Section 11010, Government Code; and Sections 8740 and 8752, State Administrative Manual. General reference for **proposed section 33013** of the Board's regulations: Section 3557, Government Code. General reference for **proposed section 33020** of the Board's regulations: Section 3557, Government Code.

POLICY STATEMENT OVERVIEW

PERB is a quasi-judicial agency which oversees public sector collective bargaining in California. PERB presently administers ten collective bargaining statutes, ensures their consistent implementation and application, and adjudicates disputes between the parties subject to them. The statutes administered by PERB are: the Meyers-Milias-Brown Act (MMBA) of 1968, which established collective bargaining for California's city, county, and local special district employers and employees; the Educational Employment Relations Act (EERA) of 1976 establishing collective bargaining in California's public schools (K-12) and community colleges; the State Employer-Employee Relations Act of 1978, known as the Ralph C. Dills Act (Dills Act), establishing collective bargaining for state government employees; the Higher Education Employer-Employee Relations Act (HEERA) of 1979 extending the same coverage to the California State University System, the University of California System and Hastings

College of Law; the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act (TEERA) of 2003, which covers supervisory employees of the Los Angeles County Metropolitan Transportation Authority; the Trial Court Employment Protection and Governance Act (Trial Court Act) of 2000 and the Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act) of 2002, which together provide for collective bargaining rights for most trial court employees; and the Judicial Council Employer-Employee Relations Act (JCEERA) of 2018, which establishes collective bargaining for Judicial Council employees. As of June 27, 2017, Government Code, section 3555 et seq. was enacted, titled the Public Employee Communication Chapter (PECC), which conferred PERB jurisdiction over violations of the PECC pursuant to PERB's power and duties set forth in Government Code, section 3541.3. As of January 1, 2018, Government Code, section 3550 et seq. was enacted, titled the Prohibition on Public Employers Deterring or Discouraging Union Membership (PEDD), which conferred PERB jurisdiction over violations of the PEDD pursuant to PERB's powers and duties set forth in Government Code, section 3541.3.

These new statutory enactments require amendments to PERB's existing regulations and the adoption of new regulations in order to fully implement PERB's jurisdiction. As explained in more detail in the Informative Digest, the regulatory changes proposed by this notice address PERB's need to implement a process for resolving disputes arising under the PECC and the PEDD, including processing allegations of violations of the PECC and the PEDD and requests for PERB to appoint a Board agent to serve as interest arbitrator pursuant to the PECC.

Additionally, the regulatory changes proposed by this notice seek to increase PERB's case processing efficiency. The proposed amendment to PERB's existing regulation concerning the Board's decisions will allow the Board to designate any type of Board decision as precedential or non-precedential and implement a process similar to California courts that allows parties to request the Board reverse the precedential or non-precedential designation of Board decisions.

INFORMATIVE DIGEST

A. Adoption of New Sections

Proposed Section 32036 adopts a definition of "PECC," the Public Employee Communication Chapter (Government Code section 3555 et seq.).

Proposed Section 32038 adopts a definition of "PEDD," the Prohibition on Public Employers Deterring or Discouraging Union Membership chapter (Government Code section 3550 et seq.).

Proposed Section 32039 adopts a section defining terms applicable for matters arising under the PEDD (Government Code section 3550 et seq.), which includes the definition for the term "exclusive representative," as used in Government Code section 3552.

Proposed Section 32610 clarifies employer unfair practices under the PECC (Government Code section 3555 et seq.). Government Code section 3555.5(c)(1) provides PERB with authority to process alleged violations of the PECC. Because the section of the statute does not

specifically identify the types of acts that might be considered to be unfair practices, parties operating under the PECC are left without guidance about how to operate within the meaning of the law. Section 32610 sets forth the conduct prohibited by the PECC and labels such conduct as unfair practices. Without such rules, PERB's only method of identifying the types of conduct that constitute unfair practices will be through case-by-case deliberation. Such an approach would leave the parties without guidance for a long period of time.

Proposed Section 32610.5 clarifies employee organization unfair practices under the PECC (Government Code section 3555 et seq.). Government Code section 3555.5(c)(1) provides PERB with authority to process alleged violations of the PECC. Because the section of the statute does not specifically identify the types of acts that might be considered to be unfair practices, parties operating under the PECC are left without guidance about how to operate within the meaning of the law. Section 32610.5 sets forth the conduct prohibited by the PECC and labels such conduct as unfair practices. Without such rules, PERB's only method of identifying the types of conduct that constitute unfair practices will be through case-by-case deliberation. Such an approach would leave the parties without guidance for a long period of time.

Proposed Section 32611 clarifies employer unfair practices under the PEDD (Government Code section 3550 et seq.). Government Code section 3551 provides PERB with authority to process alleged violations of the PEDD. Because the section of the statute does not specifically identify the types of acts that might be considered to be unfair practices, parties operating under the PEDD are left without guidance about how to operate within the meaning of the law. Section 32611 sets forth the conduct prohibited by the PEDD and labels such conduct as unfair practices. Without such rules, PERB's only method of identifying the types of conduct that constitute unfair practices will be through case-by-case deliberation. Such an approach would leave the parties without guidance for a long period of time.

Proposed Section 32611.5 clarifies employee organization unfair practices under the PEDD (Government Code section 3550 et seq.). Government Code section 3551 provides PERB with authority to process alleged violations of the PEDD. Because the section of the statute does not specifically identify the types of acts that might be considered to be unfair practices, parties operating under the PEDD are left without guidance about how to operate within the meaning of the law. Section 32611.5 sets forth the conduct prohibited by the PEDD and labels such conduct as unfair practices. Without such rules, PERB's only method of identifying the types of conduct that constitute unfair practices will be through case-by-case deliberation. Such an approach would leave the parties without guidance for a long period of time.

Proposed Section 33013 adopts a definition of "Arbitration Decision" issued by PERB pursuant to the PECC (Government Code section 3555 et seq.). Government Code section 3557(b)(4) provides that a City or County may request a Board agent serve as an arbitrator for PECC interest arbitration, which culminates in the issuance of a decision. Proposed subdivision (b) provides that an arbitration decision is not a proposed decision as defined in PERB regulation 32215, or an administrative decision as defined in PERB regulation 32350 in order to clarify the applicable PERB Regulations.

Proposed Section 33020 adopts the rate of reimbursement when a City or County requests a PERB Administrative Law Judge or other PERB employee administer interest arbitration pursuant to the Public Employee Communication Chapter (Government Code section 3555.5(c)). Government Code section 3557(b)(4) provides that a City or County may request a PERB employee serve as an interest arbitrator, and requires the City or County pay for the cost of the arbitrator . The proposed regulation sets the rate for reimbursement at two hundred and eighty dollars (\$280.00) per hour, prorated for each quarter hour of work that is less than a full hour. The proposed regulation also provides that the actual time charged shall begin when a Board agent commences providing such services, shall include travel time and time spent preparing for the arbitration, and shall continue until the services are completed. Without such a rate, parties would be without a price estimate for arbitration services until PERB's services were complete.

B. Amendment to the Text of Existing Sections

Section 32100 provides for when regulations contained in Chapter 1 apply to PERB proceedings. Proposed subdivision (g) amends this section to provide that all of Chapter 1 will apply to matters arising under the PEDD and matters arising under the PECC other than interest arbitration, except Subchapters 6 and 8, which govern representation matters. Proposed subdivision (g) also provides that Articles 1 and 2 of Subchapter 2, and Subchapter 10 will apply to PERB's administration of interest arbitration pursuant to the PECC.

Section 32120 provides for the filing of collective bargaining agreements with the Board. The proposed new language to Section 32120 extends its application to matters arising under the PECC and the PEDD.

Section 32320 concerns the issuance of decisions by the Board itself, setting forth actions that the Board may take when issuing decisions, the criteria considered by the Board when determining whether to designate a decision as non-precedential, and providing that the Board shall serve a copy of the decision on each party. The proposed amendment to subdivision (c) clarifies the regulatory language providing that Board decisions are precedential, unless designated otherwise. The proposed amendment to subdivision (d) provides that a majority of Board members issuing a decision or order shall determine whether all or part of the Board decision will be designated as precedential or non-precedential. Proposed subdivision (e) provides that the Board may wholly or partially reverse a prior designation of a Board decision as non-precedential, and requires that parties requesting the reversal of such a designation must make that request within 20 days following the service of the decision or order. Proposed subdivision (e) requires such a request is filed in the Sacramento headquarters office, and include an original and five copies, and must be served in accordance with PERB regulation 32140 governing service. Proposed subdivision (e) requires a request to designate a decision as precedential state why one or more of the criteria considered by is satisfied, and that a request to designate a decision as non-precedential state why none of the criteria is satisfied. Proposed subdivision (f) provides that a response to such a request may be filed with the Board, and requires that such a response is filed in the Sacramento headquarters office within 20 days from service of the request, providing an original and five copies, and must be served in accordance with PERB regulation 32140 governing service. Proposed subdivision (g)

provides that such a request will not stay the effectiveness of a Board decision or order. Proposed subdivision (h) provides that the Board's ruling on such a request is not subject to a request for reconsideration.

Section 32350 provides a definition of an administrative decision. The proposed amendment would add subdivision (a)(4) providing that an interest arbitration decision issued pursuant to the PECC is not an administrative decision.

Section 32602 provides for the processing of unfair practice charges. Subdivision (a) sets forth the alleged violations that PERB will process as unfair practice charges. The PECC and the PEDD provide PERB with the authority to investigate an alleged violation of the PECC as an unfair practice charge pursuant to the Board's powers and duties provided by Government Code section 3541.3. The amendments to subdivision (a) reference the authority provided to PERB and are necessary to clarify PERB's jurisdiction over unfair practice charges arising under the PECC and the PEDD.

C. Amendments Only to the Authority and Reference Citations of Existing Regulations

Section 31001 provides for meetings of the Board. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32020 provides a definition for the term "Board." The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32030 provides a definition for the term "Board itself." The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32050 provides a definition for the term "General Counsel." The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32055 provides a definition for the term "Chief Administrative Law Judge." The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32060 provides a definition for the term “headquarters office.” The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature’s extension of the Board’s responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32075 provides a definition for the term “regional office.” The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature’s extension of the Board’s responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32080 provides a definition for the term “day.” The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature’s extension of the Board’s responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32090 provides for filing by facsimile machine. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature’s extension of the Board’s responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32091 provides for filing by electronic mail (e-mail) message. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature’s extension of the Board’s responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32105 provides for the severability of PERB’s regulations. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature’s extension of the Board’s responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32130 provides for the computation of time within PERB’s regulations. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature’s extension of the Board’s responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32132 concerns the requirements for an extension of time to file documents with the Board. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature’s extension of the Board’s responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32135 concerns filing requirements. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32136 concerns late filing. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32140 concerns service requirements. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32142 concerns the proper recipient for filing or service. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32145 concerns the waiver of time period requirements for filing. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32147 concerns expediting matters before the Board. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32149 concerns the issuance of investigative subpoenas. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32150 concerns the issuance of subpoenas. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32155 concerns the disqualification of a Board agent or Board Member. The proposed changes do not make any changes to the text of this section, but only update the authority and

reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32162 concerns the confidentiality of Board investigations. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32164 concerns an application for joinder. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32168 concerns the conduct of hearings. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32169 concerns the taking of depositions. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32170 concerns the powers and duties of a Board agent conducting a hearing. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32176 concerns the rules of evidence in unfair practice cases. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32178 concerns the burden of proof in unfair practice cases. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32180 addresses the rights of parties in PERB hearings. The proposed changes do not make any changes to the text of this section, but only update the authority and reference

citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32185 concerns ex parte communications with Board agents. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32190 concerns filing requirements and rulings on motions. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32200 concerns the appeal of rulings on motions and other interlocutory matters. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32205 concerns requests for continuances. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32206 concerns the production of statements of witnesses after testimony. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32207 concerns the stipulation of facts for purposes of hearing. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32209 addresses the procedure for the correction of hearing transcripts. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32210 concerns the filing of informational briefs and oral argument before the Board itself. The proposed changes do not make any changes to the text of this section, but only

update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32212 concerns briefs and oral argument. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32215 concerns the issuance of proposed decisions. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32220 concerns contemptuous conduct by a party or a party's agent. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32230 concerns the refusal of a witness to testify. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32295 concerns ex parte communications with members of the Board itself or legal advisers to Board members. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32300 concerns the filing of exceptions to Board agent decisions. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32305 concerns the finality of Board agents' decisions. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32310 provides for the filing of responses to exceptions. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32315 provides for oral argument on exceptions. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32325 concerns the remedial powers of the Board. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32400 concerns the requirements for exhaustion of administrative remedies. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32410 provides for the filing of requests for reconsideration. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32450 concerns the filing of requests for injunctive relief. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32455 concerns the investigation of requests for injunctive relief. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32460 provides for recommendations by the General Counsel concerning requests for injunctive relief. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32465 provides for decisions by the Board itself concerning requests for injunctive relief. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32470 addresses the authority of the General Counsel concerning requests for injunctive relief where a quorum of the Board itself is unavailable. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32605 concerns the number of copies of unfair practice charges required for filing. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32612 specifies the "regional office" where unfair practice charge filings should be made. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32615 concerns the contents of an unfair practice charge. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32620 concerns the processing of an unfair practice charge case. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32621 concerns the amendment of unfair practice charges. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32625 concerns the withdrawal of unfair practice charges. The proposed changes do not make any changes to the text of this section, but only update the authority and reference

citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32630 concerns the dismissal of unfair practice charges. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32635 provides for the appeal of dismissals of unfair practice charges. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32640 concerns the issuance of complaints in unfair practice charge cases. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32644 provides for the filing of an answer in unfair practice charges where a complaint issues. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32645 concerns non-prejudicial errors in unfair practice charges and related documents. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32647 concerns amendments to complaints in unfair practice charge cases before hearing. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32648 concerns amendments to complaints in unfair practice charge cases during a hearing. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32649 concerns the filing of answers to amendments to complaints in unfair practice charge cases. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32650 concerns informal settlement conferences in unfair practice charge cases. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32661 concerns repugnancy claims. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32680 concerns the conduct of hearings on unfair practice charges. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32690 concerns the notice of hearing in unfair practice charge cases. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32980 provides for PERB's enforcement of compliance with final decisions of the Board. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

Section 32998 provides reimbursement rates for services provided by the State Mediation and Conciliation Service. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the PECC and the PEDD.

For more information regarding specific proposed regulations or amendments to the existing regulations, please refer to the proposed regulatory language.

CONSISTENT AND COMPATIBLE WITH EXISTING STATE REGULATIONS

The Board has determined that the proposed regulatory adoptions and amendments are not inconsistent or incompatible with existing regulations. After conducting a review of all regulations that would relate to or affect this area of California law, the Board has determined that due to PERB's exclusive jurisdiction to implement and enforce the PECC and the PEDD and other acts within its jurisdiction, the proposed regulations are the only regulations concerning the implementation of the PECC and the PEDD and the process by which the Board may designate a decision as precedential or non-precedential or consider parties' requests to reverse such a designation. Therefore, the Board has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

These proposed regulatory changes would provide a procedural mechanism for PERB to process alleged violations of the PECC and the PEDD by using the established unfair practice charge process. PERB's unfair practice charge process is already familiar to PERB's constituents and employees. Therefore, the application of these existing procedures will aid in expeditiously resolving disputes arising under the PECC and the PEDD. These proposed regulations make clear the rights, duties, and responsibilities of parties once a party brings allegations of a violation of the PECC or the PEDD to PERB, or requests PERB appoint an employee to serve as an arbitrator pursuant to the PECC, which will assist the parties in preparing to bring matters before PERB. These regulations also make clear the rights of parties if a city or county requests PERB appoint an employee to serve as an arbitrator pursuant to the PECC. These regulations will set forth the reimbursement rates for a PERB employee's arbitration services, which will provide the benefit of guidance for parties in order to anticipate costs and facilitate planning, and aid PERB in expeditiously charging parties for the optional service it provides. These regulations will also improve efficiency in the issuance of Board decisions. These proposed regulatory changes will ultimately improve the public sector labor environment and the collective bargaining process by clarifying PERB's procedures, and by making the Board's processes more transparent and accessible, thereby expediting the resolution of labor disputes in furtherance of harmonious labor relations. Ultimately, the guidance provided by these regulations will operate to ensure that exclusive representatives have the ability to effectively communicate with the public employees it represents in order to ensure the effectiveness of the state's labor relations statutes, and that public employers will not deter or discourage union membership or representation, in furtherance of harmonious labor relations. In so doing, California residents' welfare will receive the benefit of stable collective bargaining and dispute resolution, which translates to continuous delivery of the essential services that California's public employees provide to California communities.

NO EXISTING AND COMPARABLE FEDERAL REGULATION OR STATUTE

During the process of developing these proposed regulatory adoptions and amendments, the Board has conducted a search for any similar federal regulations and statutes on this topic and has determined that there are no existing, comparable federal regulations or statutes that govern matters arising under the PECC, the PEDD, or Board precedent, as these proposed

regulatory changes apply solely to public employers and employee organizations under the jurisdiction of the California public sector labor relations statutes set forth above. Therefore, the Board has concluded that these regulations are neither inconsistent nor incompatible with existing Federal regulations or statutes.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following initial determinations:

Mandate on local agencies and school districts: The proposed action would not impose any new mandate.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17500 et seq.: The proposed action would not impose any new costs which must be reimbursed.

Other non-discretionary cost or savings imposed upon local agencies: The proposed action would not result in any new costs which must be reimbursed or savings imposed upon local agencies.

Cost or savings to state agency: The proposed action would not result in any new costs or savings.

Cost or savings in federal funding to the state: The proposed action would not result in any new costs or savings.

Cost impact on private persons or directly affected businesses: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant adverse economic impact on business including the ability of California businesses to compete with businesses in other states: The proposed action will have no impact.

Significant effect on housing costs: There will be no effect on housing costs.

Business Reporting Requirement: The proposed action will not require a report to be made.

The Board has determined that the proposed regulations will not affect small business because the proposed regulations will only affect public employers, public employees, and public employee organizations.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Board concludes that the adoption of the proposed regulations and amendments will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses, or create or expand businesses in the State of California.

The adoption of these proposed regulations will implement procedures for PERB's administration and enforcement of the PECC and the PEDD. The adoption of these proposed regulations will also provide the Board with the ability to designate any type of Board decision as precedential or non-precedential in order improve efficiency in the Board's issuance of decisions. The adoption of the proposed regulations will benefit public employers, employees, employees' representatives and the community at-large by further facilitating the expedient resolution of public sector labor disputes by clarifying PERB's procedures and making the Board's processes more transparent and accessible when disputes arise under the PECC or the PEDD. The guidance provided to parties by the proposed regulations and amendments will aid PERB in its implementation of the PECC and the PEDD, which will ensure that exclusive representatives have the ability to communicate with the public employees it represents, and prevent employers from deterring or discouraging union membership or representation, in furtherance of the policies underlying the state's labor relations statutes. In so doing, California residents' welfare will receive the benefit of stable collective bargaining and dispute resolution, which translates to continuous delivery of the important services that these public employers and employees provide to California communities.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), a rulemaking agency must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Any questions or suggestions regarding the proposed action should be directed to:

Sheena J. Farro, Regional Attorney
Public Employment Relations Board
1031 18th Street
Sacramento, CA 95811
(916) 322-3198

E-mail: sfarro@perb.ca.gov

The backup person for these inquiries is:

Ronald Pearson, Supervising Regional Attorney
Public Employment Relations Board
1031 18th Street
Sacramento, CA 95811
(916) 322-3198
E-mail: ronald.pearson@perb.ca.gov

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based, to Sheena Farro at the above address.

PRELIMINARY ACTIVITIES

PERB held a public meeting on August 31, 2017, wherein the public was given the opportunity to provide comments regarding implementation of the PECC, and division management provided options and recommendations to the Board. PERB staff invited comments on possible regulation changes at the PERB Advisory Committee meeting held on May 22, 2018. On June 14, 2018, PERB held a public meeting wherein the public was given an opportunity to provide comments regarding the implementation of the PECC and the proposed text of the regulations. On October 11, 2018, PERB held a public meeting wherein the public was given the opportunity to provide comments regarding the implementation of the PEDD and the proposed text of the regulations, including the proposed modification to the delegation of precedential and non-precedential Board decisions. On October 11, 2018, the Board itself approved the publication of the proposed regulatory text and the commencement of the formal rulemaking process. PERB has also relied upon the Economic Impact Assessment identified in this notice in proposing regulatory action.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the California Regulatory Notice Register, the rulemaking file consists of this notice, the express terms of the proposed regulations and the initial statement of reasons. Copies of these documents may be obtained by contacting Sheena Farro at the above address, and are also available on the Board’s web site at www.perb.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the July 30, 2019 hearing and considering all timely and relevant comments, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications that are sufficiently related to the originally proposed text, the

modified text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations as revised. Requests for copies of any modified regulations and/or the final statement of reasons should be sent to the attention of Sheena Farro at the above address. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the final statement of reasons may be obtained by contacting Sheena Farro at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of this notice of proposed action, the initial statement of reasons, and the text of the proposed regulations in underline and strikeout, can be accessed through PERB's web site located at www.perb.ca.gov throughout the rulemaking process. Written comments received during the written comment period will also be posted on PERB's web site. The final statement of reasons or, if applicable, notice of a decision not to proceed will be posted on PERB's web site following the Board's action.